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Illinois Commerce Commission
RAIL SAFETY SECTION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

VILLAGE OF ELWOOD, WILL COUNTY, ILLINOIS,

Petitioner

vs.

UNION PACIFIC RAILROAD COMPANY

and

STATE OF ILLINOIS, DEPARTMENT OF
TRANSPORTATION,

Respondents

No. T01-0064

Petition for an Order of the Illinois Commerce Commission Authorizing the establishment of a new grade crossing at East Access Road with the track of Union Pacific Railroad Company, in the Village of Elwood, Will County, Illinois, directing thereon the installation of automatic protection devices and construction of the crossing proper and dividing the cost among the parties, and directing the closure of the existing grade crossing at Chicago Avenue with the track of Union Pacific Railroad in the Village of Elwood, Will County, Illinois.

RESPONSE

NOW COMES Petitioner, VILLAGE OF ELWOOD, Will County, Illinois, by and through EDWARD P. GRAHAM of the LAW OFFICES OF EDWARD P. GRAHAM, LTD., as its Response to the Petition to Amend Order filed herein by UNION PACIFIC RAILROAD COMPANY ("UNION PACIFIC"), states as follows:

1. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 1 and, therefore, neither admits nor denies them, but demands strict proof thereof.

2. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 2 and, therefore, neither admits nor denies them, but demands strict proof thereof.

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3. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 3 and, therefore, neither admits nor denies them, but demands strict proof thereof.

4. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 4 and, therefore, neither admits nor denies them, but demands strict proof thereof.

5. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 5 and, therefore, neither admits nor denies them, but demands strict proof thereof.


6. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 6 and, therefore, neither admits nor denies them, but demands strict proof thereof.

7. Respondent states that it is without sufficient information and knowledge upon which to form a belief as to the truth of the allegations contained in paragraph 7 and, therefore, neither admits nor denies them, but demands strict proof thereof.

WHEREFORE, Petitioner, VILLAGE OF ELWOOD respectfully requests that this Honorable Commission enter the following relief:

- A. Deny the Petition to Amend Order filed by the UNION PACIFIC RAILROAD COMPANY ("UNION PACIFIC") or, in the alternative;
- B. Set this matter for hearing on the Petition to Amend Order; and
- C. Such other and further relief that the Commission deems just and necessary.

Respectfully submitted,
THE VILLAGE OF ELWOOD
WILL COUNTY, ILLINOIS,



BY: EDWARD P. GRAHAM, One of its
Attorneys

LAW OFFICES OF EDWARD P. GRAHAM, LTD.
EDWARD P. GRAHAM #06195575
Attorneys for Petitioner
1112 S. Washington Street, Suite 212
Naperville, IL 60540
630.357.2333

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

VERIFICATION

I, EDWARD P. GRAHAM, being duly sworn upon oath depose and say that I am employed as general counsel for the Village of Elwood, an Illinois municipal corporation; that I have read the foregoing Response and the answers made herein are true, correct and complete to the best of my knowledge and belief.

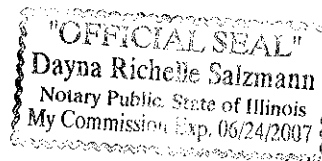


EDWARD P. GRAHAM

SUBSCRIBED AND SWORN TO me this 3rd day of August, 2006.



NOTARY PUBLIC



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

VILLAGE OF ELWOOD, WILL COUNTY, ILLINOIS,

Petitioner

vs.

UNION PACIFIC RAILROAD COMPANY

and

STATE OF ILLINOIS, DEPARTMENT OF
TRANSPORTATION,

Respondents

No. T01-0064

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Access Road with the track of Union Pacific Railroad
Company, in the Village of Elwood, Will County, Illinois,
directing thereon the installation of automatic protection
devices and construction of the crossing proper and dividing
the cost among the parties, and directing the closure of the
existing grade crossing at Chicago Avenue with the track of
Union Pacific Railroad in the Village of Elwood, Will
County, Illinois.

NOTICE OF FILING

TO: See Service List attached hereto and incorporated herewith.

PLEASE TAKE NOTICE that on the 3rd day of **August, 2006**, this firm caused to be filed
with the Clerk of the Illinois Commerce Commission its Response to the Petition to Amend Order
filed by UNION PACIFIC RAILROAD COMPANY on behalf of Respondent, VILLAGE OF
ELWOOD, Will County, Illinois, a Municipal Corporation.

LAW OFFICES OF EDWARD P. GRAHAM, LTD.



BY: EDWARD P. GRAHAM,
One of its Attorneys

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

SS

The undersigned, being first duly sworn on oath, deposes and says that she served a true copy of the above and foregoing Notice, together with a copy of the Response therein referred to, upon the foregoing parties by depositing same in the U.S. Mail Box located at Naperville, Illinois, on 3rd day of August, 2006 and, where applicable, by electronic mail at the addresses shown.

Lauren R. Sporn

Subscribed and sworn to before me
this 3rd day of August, 2006.

Melissa Adele Grahonya
Notary Public



SERVICE LIST

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The Honorable June Tate
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